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8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SANTA ANA DIVISION**

10 In re:

Chapter 11

11 THE LITIGATION PRACTICE GROUP,  
12 P.C.,

Case No. 8:23-bk-10571-SC

13 Debtor.

**JOINT MOTION OF THE TRUSTEE  
AND COMMITTEE FOR ENTRY OF AN  
ORDER: (I) ESTABLISHING BAR  
DATES FOR FILING PROOFS OF  
CLAIM; (II) APPROVING THE FORM  
AND MANNER FOR FILING PROOFS  
OF CLAIM; AND (III) APPROVING THE  
FORM AND MANNER OF NOTICE OF  
THE BAR DATE; DECLARATION OF  
RICHARD A. MARSHACK IN SUPPORT  
THEREOF**

[No Hearing or Additional Notice Required  
Pursuant to LBR 3003-1(a)(1) and 9013-  
1(q)(9)]

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The Official Committee of Unsecured Creditors (the “Committee”) of The Litigation Practice Group P.C. (the “Debtor”), in the above-referenced bankruptcy case (the “Bankruptcy Case”) pending under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”)<sup>1</sup> and Richard A. Marshack, in his capacity as the chapter 11 trustee of the Debtor (the “Trustee” and, together with the Committee, the “Movants”) jointly submit this motion (the “Motion”) for entry of an order (the “Bar Date Order”), substantially in the form attached to this Motion as **Exhibit 1**: (i) establishing a bar dates for creditors to file proofs of claim (a “Proof of Claim”) against the Debtor in the Bankruptcy Case; (ii) approving the form and manner for filing Proofs of Claim; and (iii) approving the form and manner of notice of the Bar Date. In support of the Motion, the Movants refer to the points and authorities set forth below, the attached *Declaration of Richard A. Marshack* (the “Marshack Declaration”), the record of this Bankruptcy Case, and any other admissible evidence properly brought before the Court, and respectfully states as follows:

**I.**

**FACTUAL BACKGROUND**

**A. General Background**

On March 20, 2023 (the “Petition Date”), the Debtor filed a voluntary petition under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Central District of California (the “Court”), commencing the Bankruptcy Case.

On April 4, 2023, the Debtor filed its schedules [Docket No. 33] (the “Schedules”) and statement of financial affairs [Docket No. 34] (the “Statements”). On May 1, 2023, the Debtor subsequently amended its Schedule D [Docket No. 52]. As set forth more fully below, however, there is substantial doubt that the financial reporting provided by the Debtor is accurate.

On May 8, 2023, the Court entered an order [Docket No. 65] approving the appointment of the Trustee. The order granted a motion [Docket No. 21] filed by the Office of the United States Trustee requesting appointment of a chapter 11 trustee based on, *inter alia*, the Debtor’s failure to provide significant financial and other disclosures.

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<sup>1</sup> Unless otherwise noted, all references to “Section” or “§” refer to a section of the Bankruptcy Code.

1 On June 23, 2023, the Office of the United States Trustee appointed the Committee [Docket  
2 No. 134], which was amended to increase the number of Committee members on June 29, 2023  
3 [Docket No. 157].

4 On December 22, 2023, the Court entered an order [Docket No. 785] approving the  
5 employment of Omni Agent Solutions (“Omni”) as the noticing and claims agent in this Bankruptcy  
6 Case.

7 **B. The Debtor’s Operations and Sale**

8 The Debtor was a law firm that provided consumer debt resolution services. *See* Docket No.  
9 320 at 4. The Debtor reported that—during its peak operations in 2022—it serviced more than 60,000  
10 consumer clients across the United States. *See* Docket No. 191 (Decl. of Richard Marshack, Ex. 1  
11 (§ 341(a) Tr. at 82:18-24)). As of the Trustee’s appointment, he understood that the Debtor had  
12 already transferred most, if not all, of its “active” consumer clients. *See* Docket No. 191 (Decl. of  
13 William “Ty” Carss, Ex. A); *id.* (Decl. of Richard Marshack, Ex. 1 (§ 341(a) Tr. at 54:18-24)).

14 On August 2, 2023, the Court entered an order [Docket No. 352] (the “Sale Order”) approving  
15 the sale (the “Sale”) of certain assets to Morning Law Group, P.C. (“MLG”), pursuant to that certain  
16 *Agreement of Purchase and Sale and Joint Escrow Instructions* [Docket No. 416] (the “APA”).

17 The Sale Order established procedures for the assumption and assignment of executory  
18 agreements, including consumer contracts. On October 6, 2023, the Court entered an order [Docket  
19 No. 562] authorizing the assumption and assignment of certain vendor contracts. On December 15,  
20 2023, the Court entered an order authorizing the assumption and assignment of certain consumer  
21 contracts [Docket Nos. 766]. Additionally, the Court has entered orders authorizing the rejection of  
22 executory agreements and leases [Docket Nos., 523, 555, 640] and a hearing will be held on January  
23 31, 2023 on a pending motion to reject certain consumer agreements [Docket No. 794].

24 **C. The Plan Filing Deadline**

25 The Movants have been working diligently toward filing a joint plan that will bring this  
26 Bankruptcy Case to an expedited and efficient conclusion. On December 26, 2023, the Court entered  
27 an order [Docket No. 789] setting February 2, 2024, as the deadline for the Trustee to file a plan of  
28 liquidation (the “Plan Filing Deadline”). As set forth below, a comprehensive picture of the potential

claims pool will be essential to confirmation of a plan in this Bankruptcy Case.

## II.

### **PROPOSED PROCEDURES FOR FILING PROOFS OF CLAIM**

#### **A. The Bar Dates**

The Movants request that the Court establish the following deadlines by which certain holders of claims will be required to file written proof of their claim(s) (collectively, the “Bar Dates” and, each individually, a “Bar Date”):

<b>General Bar Date</b>	<b>February 23, 2024, at 4:00 p.m. prevailing Pacific Time</b> (the “ <u>General Bar Date</u> ”) is the deadline for all persons and entities, <i>including governmental units</i> (as that term is defined in § 101(27)), holding secured, unsecured priority, and unsecured non-priority claims against the Debtor arising (or deemed to arise) before the Petition Date (each, a “ <u>General Claim</u> ”).
<b>Rejection Bar Date</b>	For claims relating to the rejection of an executory contract or unexpired lease (a “ <u>Rejection Claim</u> ”), the later of (i) the General Bar Date; and (ii)(a) the date set forth in an order authorizing the Debtor to reject such contract or lease pursuant to § 365 (including any order confirming a plan in the Bankruptcy Case), or (b) if no specific date is set forth, thirty (30) days after entry of a rejection order (the “ <u>Rejection Bar Date</u> ”).
<b>Chapter 5 Bar Date</b>	For claims arising from the avoidance of a transfer under chapter 5 of the Bankruptcy Code (a “ <u>Chapter 5 Claim</u> ”), the later of (i) the General Bar Date; and (ii) thirty (30) days after the date of entry of the judgment avoiding the transfer (the “ <u>Chapter 5 Bar Date</u> ”).

On October 16, 2023, the Court entered an order [Docket No. 577] (the “Administrative Bar Date Order”) establishing November 21, 2023 (the “Administrative Bar Date”), as the deadline for holders of administrative claims arising between March 20, 2023, and August 4, 2023, to file a motion for allowance and payment of such administrative claims. Nothing contained in this Motion is intended to alter or modify the Administrative Bar Date or limit the Movants’ right to seek a further bar date for any administrative claims arising subsequent to August 4, 2023, by motion or plan.

#### **B. Parties Subject to the General Bar Date**

Movants propose that the General Bar Date shall apply to all persons as defined in § 101(41) (a “Person”) and entities, as defined in § 101(15) (an “Entity”), including governmental units (as defined in § 101(27)) holding claims against the Debtor, including the following:

- a. any Person or Entity whose claim against the Debtor is not listed in the Debtor's Schedules, or is listed as "contingent," "unliquidated," or "disputed," if such Person or Entity desires to share in any distribution in the Bankruptcy Case;
- b. any Person or Entity who believes that their claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have their claim allowed in a different classification or amount other than that identified in the Schedules;
- c. any Person or Entity holding an interest in the Debtor (an "Interest Holder"), which interest is based upon the alleged ownership of: (i) a membership interest in a limited liability company; (ii) common or preferred stock in a corporation; or (iii) warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to herein as an "Interest");
- d. any Person or Entity holding a claim that arises out of or relates to the alleged ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance, or distribution of the Interest; and
- e. any current or former officer, director, or manager of the Debtor for any claims including claims based on indemnification, contribution, or reimbursement.

The following Persons or Entities whose claims otherwise would be subject to the General Bar Date need not file a Proof of Claim, at this time:

- a. any Person or Entity that already has filed a signed proof of claim against the Debtor with the Clerk of the Court or with the Debtor's claims and noticing agent, Omni, in a form substantially similar to Official Form 410;
- b. any Person or Entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of "disputed," "contingent," or "unliquidated;" and (ii) such Person or Entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- c. any Person or Entity whose claim has previously been allowed by order of the Court;
- d. any Person or Entity whose claim has been paid in full by the Debtor pursuant to the Bankruptcy Code or in accordance with an order of the Court or otherwise paid in full by the Debtor or any other party;
- e. any Person or Entity holding a claim for which a separate deadline is fixed by this Court;
- f. claims of professionals retained by the Debtor pursuant to orders of the Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to §§ 328, 330, 331, 363, and 503(b) or 28 U.S.C. § 156(c) (collectively, the "Professional Claims"); and
- g. any Person or Entity holding a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930, including, for the avoidance of doubt, any administrative claims asserted by the U.S. Trustee for statutory fees required to be paid by the Debtor's estate.

1 **C. The Claim Forms**

2 Movants propose authorization to use two different Claim Forms. **First**, the Movants propose  
3 that all holders of General Claims that are not Consumer Claimants (defined below), holders of  
4 Rejection Claims, and holders of Chapter 5 Claims must utilize Official Form 410 for the submission  
5 of Proofs of Claim (the “General Claim Form”). **Second**, in light of the unique issues facing the  
6 Debtor’s consumer creditors (the “Consumer Claimants”) who assert claims arising from or related  
7 to their attorney-client relationship with the Debtor (the “Consumer Claims”), the Movants have  
8 prepared and request approval of the Proof of Claim form attached as **Exhibit 2** (the “Consumer  
9 Claim Form” and, together with the General Claim Form, the “Claim Forms”); provided that,  
10 Consumer Claimants may choose to submit Proofs of Claim utilizing the General Claim Form. Any  
11 Consumer Claimant that has already filed a claim on the General Claim Form may, but will not be  
12 required to file an amended claim on the Consumer Claim Form. The Movants propose that proper  
13 filing—whether by written means through hand delivery or mail submission or electronically through  
14 the Claims Agent’s website—of a Proof of Claim that substantially conforms to the applicable Claim  
15 Form be deemed to satisfy the procedural requirements for the assertion of a General Claim, Rejection  
16 Claim, or Chapter 5 Claim, as applicable.

17 The Movants believe that their effort to promote consistency with respect to Proofs of Claim  
18 will: (i) help mitigate the confusion and expense the claims process otherwise may engender among  
19 holders of claims; (ii) provide holders of claims with additional time within which to rectify  
20 information; and (iii) make the estate’s task of reconciling scheduled and filed claims less  
21 burdensome, costly, and time-consuming, all of which will benefit creditors and parties in interest.

22 **D. Requirements for Filing a Claim Form**

23 With respect to completing and filing a Claim Form, the Movants propose the following  
24 requirements:

- 25 a. each claim must (i) be written in English; (ii) include a claim amount denominated in  
26 United States dollars; (iii) conform substantially with the General Claim Form or  
27 Consumer Claim Form, as applicable; and (iv) be signed by the holder of the claim or  
28 by an authorized agent or legal representative of the holder of the claim;
- b. each General Claim Form and Consumer Claim Form must include supporting  
documentation in accordance with Rules 3001(c) and 3001(d) of the Federal Rules of

Bankruptcy Procedure (the “Bankruptcy Rules”). If, however, such documentation is voluminous, such General Claim Form or Consumer Claim Form, as applicable, may include a summary of such documentation or an explanation as to why such documentation is not available; provided, that, upon the request for additional documentation, such claimant that received such request shall be required to transmit such written documentation no later than five (5) business days following the date of such request;

- c. each General Claim Form or Consumer Claim Form, including supporting documentation, must be submitted in person, by courier service, overnight delivery, hand delivery, or United States mail *so as to be actually received* by Omni on or before the applicable Bar Date at the following address:

The Litigation Practice Group P.C. Claims Processing  
c/o Omni Agent Solutions  
[5955 De Soto Ave., Suite 100  
[ Woodland Hills, CA 91367

Additionally, Claim Forms may be submitted electronically using the interface available on the website maintained by Omni in this Bankruptcy Case <https://omniagentsolutions.com/LPG-claims>, *so as to be actually received* by Omni on or before the applicable Bar Date; and

- d. except as expressly permitted above in the context of electronic submissions at Omni’s website, any Claim Forms otherwise sent by facsimile, telecopy, electronic mail, or other form of electronic submissions will not be accepted.

**E. Failure to File a Claim Form**

In accordance with Bankruptcy Rule 3003(c)(2), the Movants propose that any Person or Entity who is required, but fails, to properly file a General Claim Form or Consumer Claim Form by the applicable Bar Date may be forever barred, estopped, and enjoined from asserting such claim against the Debtor’s estate (or filing a claim with respect to any such General Claim, Rejection Claim, or Chapter 5 Claim), and the Debtor’s estate and its property may be forever discharged from any and all indebtedness or liability with respect to or arising from such claim. Additionally, the Movants propose that any Person or Entity that is required, but fails, to properly file a Claim Form by the applicable Bar Date shall be prohibited from voting to accept or reject any chapter 11 plan filed in this Bankruptcy Case and participating in any distribution in this Bankruptcy Case on account of such claim.

**F. Notice of the Bar Dates**

**1. Actual Notice**

With the assistance of Omni, the Movants propose to serve all known persons or entities

1 holding potential prepetition claims, governmental claims, or claims based on the previous rejection  
2 of a contract or lease against the Debtor with written notice (the “Bar Date Notice”) substantially in  
3 the form attached as Exhibit 3. The proposed Bar Date Notice conforms substantially to the Court’s  
4 form *Notice of Bar Date for Filing Proofs of Claim in Chapter 11 Case* [F 3003-  
5 1.NOTICE.BARDATE]. In light of the proposed procedures and the Administrative Bar Date,  
6 however, the proposed Bar Date Notice modifies the Court’s form notice by removing the discussion  
7 concerning administrative claims arising under § 503(b)(9) and the applicability of the Bar Date to  
8 Interest Holders.

9 Specifically, no later than January 23, 2024, the Movants propose that Omni will serve the  
10 Bar Date Notice by first-class United States mail, postage prepaid, on:

- 11 a. the Court;
- 12 b. all persons or entities that have requested notice of the proceedings in this Bankruptcy  
13 Case, pursuant to Bankruptcy Rule 2002, as of the date of the Bar Date Order;
- 14 c. all creditors and other known holders of claims against the Debtor known to the  
15 Trustee as of the date of the Bar Date Order, including all persons or entities listed in  
the Schedules and Statements as holding claims against the Debtor, including claims  
that the Debtor listed as contingent, unliquidated, or disputed;
- 16 d. all non-debtor parties to executory contracts and unexpired leases listed on the  
17 Schedules and Statements, or otherwise known to the Trustee, or his designated  
representatives;
- 18 e. all known parties to litigation with the Trustee, if any, including any workers  
19 compensation, general liability, or other insurance claimants, whether or not any  
litigation has been commenced, and their counsel, if known to the Trustee;
- 20 f. the Internal Revenue Service;
- 21 g. the Office of the Attorney General in all of the states and all taxing authorities in all  
22 of the jurisdictions in which the Debtor operated and/or filed tax returns, and all  
applicable local governmental authorities;
- 23 h. all employees, directors, and officers of the Debtor known to the Trustee at the time  
24 of his appointment;
- 25 i. all known former employees employed by the Debtor on or after September 20, 2022  
(i.e., six (6) months before the Petition Date);
- 26 j. all other entities listed on the Debtor’s creditor matrix.

27 Notwithstanding the foregoing, the Movants propose that the Trustee not be required to serve the Bar  
28 Date Notice on creditors that have already filed Proofs of Claim as of the date of the entry of the Bar



1 Date Order or on parties that receive NEF notice of filings in this Bankruptcy Case to limit the cost  
2 and expense of such service on the estate.

3 Additionally, the Movants propose that, no later than January 23, 2024, the Trustee will cause  
4 MLG to effectuate electronic service of the Bar Date Notice on Consumer Claimants using the  
5 Debtor's proprietary client resource management database (the "LUNA System"). The Movants  
6 submit that the use of the LUNA System will substantially reduce the cost to the estate in effectuating  
7 service on the Consumer Claimants through the use of email in lieu of mail notice. Moreover, despite  
8 certain challenges with the accuracy of information in the LUNA System, the Trustee understands  
9 that the LUNA System is the most comprehensive source of contact information for former clients of  
10 the Debtor that may hold claims against the estate.

## 11 **2. Publication Notice**

12 In the interest of ensuring all potential holders of claims and interests receive adequate notice  
13 of the Bar Dates, in addition to providing the Bar Date Notice to all known holders of claims and  
14 interests by United States mail and the LUNA System, the Movants propose to provide notice of the  
15 Bar Dates by publication. In accordance with Bankruptcy Rule 2002(l) and in satisfaction of the  
16 requirements of Bankruptcy Rule 2002(a)(7), the Movants propose to publish the Bar Date Notice, in  
17 substantially similar substance and as modified for publication(the "Publication Notice"). No later  
18 than January 23, 2024, Omni shall publish the Publication Notice on one occasion in the *Wall Street*  
19 *Journal*, *New York Times*, *USA Today*, or other similar national publication. The Publication Notice  
20 will include a telephone number that holders of claims or interests may call to obtain copies of the  
21 Claim Forms, the website address at which holders of claims or interests may obtain a copy of the  
22 Claim Forms, and information concerning the procedures and appropriate deadlines for filing a Proof  
23 of Claim.

## 24 **III.**

### 25 **LEGAL ARGUMENT**

#### 26 **A. Ample Authority Exists to Approve the Bar Dates and the Proposed Procedures for** 27 **Filing Proofs of Claim in This Bankruptcy Case.**

28 Bankruptcy Rule 3003(c)(3) governs the filing of proofs of claim in a chapter 11 case and

1 provides, in relevant part: “[t]he court shall fix and for cause shown may extend the time within which  
2 proofs of claim or interest may be filed.” Fed. R. Bankr. P. 3003(c)(3). Although Bankruptcy Rule  
3 2002(a)(7) generally provides that all parties in interest must receive, at a minimum, twenty-one (21)  
4 days’ notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c), neither  
5 the Bankruptcy Code, the Bankruptcy Rules nor the Local Rules specify a time by which proofs of  
6 claim must be filed in chapter 11 cases (other than Bankruptcy Code section 502(b)(9) relating to  
7 governmental units).

8 It is well-recognized that a bar date plays an essential role in the twin goals of bankruptcy—  
9 preserving a debtor’s going concern value and maximizing property available to satisfy creditors. *See*  
10 *Bank of Am. Nat’l Trust and Sav. Assoc. v. 203 N LaSalle St. P’ship*, 526 U.S. 434, 453 (1999)  
11 (identifying the two primary purposes of chapter 11 relief as (a) the preservation of businesses as  
12 going concerns and (b) the maximization of assets available for the benefit of unsecured creditors).  
13 A bar date allows the debtor and parties-in-interest to expeditiously determine and evaluate the  
14 liabilities of the estate and execute a sound plan of reorganization or liquidation. The absence of such  
15 a deadline, in contrast, would prolong claimholder uncertainty, increase the costs and expenses  
16 incurred by the Estate in connection with the claims reconciliation process and delay or even derail  
17 the claims process, thus undercutting one of the principal purposes of bankruptcy law — “secur[ing]  
18 within a limited period the prompt and effectual administration and settlement of the debtor’s estate.”  
19 *See Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995).

20 The procedures described in this Motion will provide holders of claims with both ample notice  
21 and opportunity to file proofs of claim and a clear process for filing such claims, all while achieving  
22 administrative and judicial efficiency. Indeed, the proposed procedures are calibrated to provide  
23 comprehensive notice and clear instructions to holders of claims—particularly Consumer Claimants  
24 that may be unfamiliar with the bankruptcy process—and allow the Bankruptcy Case to move forward  
25 quickly with a minimum of administrative expense and delay.

26 Among other things, the proposed procedures contemplate providing clear filing instructions  
27 that are calculated to avoid confusion or uncertainty among holders of claims that might lead them to  
28 file unnecessary protective proofs of claim or multiple proofs of claim that would cause expense and

1 delay in the claims process for all parties. Additionally, the proposed use of the personalized  
2 Consumer Claim Form for all known holders of claims is designed both to streamline the claims  
3 process for the estate and provide useful information to holders of claims as to whether and how their  
4 claims are reflected in the Schedules and Statements. The proposed procedures are designed to  
5 comply with the Bankruptcy Code.

6 **B. The Proposed Notice Procedures are Reasonable and Appropriate.**

7 Bankruptcy Rule 2002(a)(7) requires that holders of claims receive at least twenty-one (21)  
8 days' notice by mail of a bar date established pursuant to Bankruptcy Rule 3003(c). FED. R. BANKR.  
9 P. 2002(a)(7). Additionally, Bankruptcy Rule 2002(l) provides that the Court may order notice by  
10 publication if it finds that notice by mail is impractical or it is desirable to supplement other notices.  
11 FED. R. BANKR. P. 2002(1). Bankruptcy Rule 9008 also provides that the Court shall determine the  
12 form and manner of publication notice, the newspapers used, and the frequency of publication. FED.  
13 R. BANKR. P. 9008.

14 The Movants propose to mail the Bar Date Notice to known holders of claims and will rely  
15 on publication to give notice to unknown holders of claims. This procedure is consistent with  
16 applicable case law. *See, e.g., Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 317 (1950);  
17 *see also Chemetron*, 72 F.3d at 346. To determine the adequacy of notice given to a creditor,  
18 bankruptcy law distinguishes between “known” and “unknown” creditors. *Chemetron*, 72 F.3d at  
19 346. As the Third Circuit explained in *Chemetron*, “[k]nown creditors must be provided with actual  
20 written notice of a debtor’s bankruptcy filing and bar claims date.” *Id.* at 346 (citations omitted). A  
21 “known” creditor is one whose identity is either known or is “reasonably ascertainable by the debtor.”  
22 *Id.* (citing *Tulsa Prof. Collection Serv., Inc. v. Pope*, 485 U.S. 478, 490 (1988)). For unknown  
23 creditors, notification by publication will generally suffice.” *Id.* at 346 (citations omitted). An  
24 “unknown” creditor is one whose “interests are either conjectural or future or, although they could be  
25 discovered upon investigation, do not in due course of business come to knowledge [of the trustee].”  
26 *Id.* (citing *Mullane*, 339 U.S. at 317).

27 Where a creditor is known, due process requires that reasonable steps be taken to provide  
28 actual notice of the deadline for filing a proof of claim. A creditor’s identity is “reasonably

ascertainable” if that creditor can be identified through “reasonably diligent efforts.” *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 798, n.4 (1983). But this does not require the debtor, trustee, or a committee to engage in “impracticable and extended searches . . . in the name of due process.” See *Mullane*, 339 U.S. at 317. Rather, the required search is limited to a debtor’s “books and records.” See, e.g., *Chemetron*, 72 F.3d at 347.

The Movants submit that the relief requested in this Motion provides for clear notice of the Bar Dates in satisfaction of the requirements of the Bankruptcy Rules and consistent with the underlying policies of the Bankruptcy Code and applicable case law. Assuming the Bar Date Order is entered by January 17, 2024, the Movants anticipate that all known holders of claims will have at least thirty (30) days of mailed and published notice, thereby satisfying Bankruptcy Rule 2002(a)(7), which requires only twenty-one (21) days’ notice. In light of the state of the Debtor’s books and records – which have proven to be incomplete and unreliable – and the concerns the Movants harbor over the sufficiency of the LUNA System, the Movants concluded that publication of the notice of the Bar Date Notice is also needed to ensure claimants have notice of the Bar Dates.

The Movants believe that the procedures and described notice periods afford holders of claims ample opportunity to review the Schedules and Statements and the Bar Date Notice, and to file proofs of claim while, at the same time, ensuring that the Movants can move toward confirmation as expeditiously as possible. Accordingly, for all the foregoing reasons, the Movants respectfully submit that the proposed Bar Dates and the form and manner of providing notice are appropriate in light of the circumstances, inure to the benefit of all parties-in-interest, and should be approved.

#### IV.

#### **RESERVATION OF RIGHTS**

Nothing contained in this Motion is intended to, or should be construed as, a waiver of the Movants’ right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules and Statements as to the nature, amount, liability, or classification; (b) subsequently designate any claim listed or reflected in the Schedules and Statements as disputed, contingent, or unliquidated; (c) file proofs of claim on behalf of any creditor that does not file a proof

1 of claim by the applicable Bar Date; or (d) otherwise amend or supplement the Schedules and  
2 Statements.

3 Also, nothing contained in this Motion is intended to, or should be construed as, or deemed to  
4 constitute, an agreement or admission as to the validity of any claim against the estate on any grounds,  
5 a waiver or impairment of the Movants' rights to dispute any claim on any grounds, or an assumption  
6 or rejection of any agreement, contract or lease under § 365. The Movants expressly reserve their  
7 rights to contest any Proofs of Claim.

8 **V.**

9 **CONCLUSION**

10 For the foregoing reasons, the Movants respectfully request that the Court enter the Bar Date  
11 Order, substantially in the form attached as Exhibit 1, (a) establishing the Bar Dates, (b) approving  
12 the form and manner for filing proofs of claim, (c) approving notice, and (d) granting such other and  
13 further relief as is just and proper.

14 DATED this 29th day of December 2023.

15 **FOX ROTHSCHILD LLP**

16  
17 By: /s/ Nicholas A. Koffroth  
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22 *General Counsel for Chapter 11 Trustee*

**DECLARATION OF RICHARD A. MARSHACK**

I, Richard A. Marshack, declare as follows:

1. I am the chapter 11 trustee appointed in the bankruptcy case of The Litigation Practice Group P.C. (the “Debtor”) pending before the United States Bankruptcy Court for the Central District of California (the “Court”) under the case captioned, *In re The Litigation Practice Group P.C.*, Case No. 8:23-bk-10571-SC (the “Bankruptcy Case”). I make this declaration in support of the *Joint Motion of the Trustee and Committee for Entry of an Order: (I) Establishing Bar Dates for Filing Proofs of Claim; (II) Approving the Form and Manner for Filing Proofs of Claim; and (III) Approving the Form and Manner of Notice of the Bar Date* (the “Motion”)<sup>1</sup> filed concurrently herewith and for all other purposes authorized by law.

2. In the capacity as chapter 11 trustee, and except as otherwise indicated, I have personal knowledge of the facts set forth below, and if called as a witness I could and would competently testify to the matters set forth in this declaration.

3. I have reviewed the proposed procedures for filing Proofs of Claim set forth in the Motion, including the proposed Bar Dates, the Claim Forms, and the proposed notice procedures. The procedures set forth in the Motion were the result of a negotiated agreement between the Movants to move this Bankruptcy Case to an efficient conclusion with the confirmation of a chapter 11 plan. The Movants have been working diligently toward a joint plan that will bring this Bankruptcy Case to an expedited and efficient conclusion. A comprehensive picture of the potential claims pool will be essential to confirmation of a plan in this Bankruptcy Case.

4. I believe that the proposed Proof of Claim procedures set forth in the Motion will: (i) help mitigate the confusion and expense the claims process otherwise often engenders among holders of claims; (ii) provide holders of claims with additional time within which to rectify information; and (iii) make the estate’s task of reconciling scheduled and filed claims less burdensome, costly and time-consuming, which will benefit all parties in interest. Specifically, I believe that the use of the proposed Consumer Claim Form will effectively address the unique issues

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms have the definitions set forth in the Motion.

1 facing the Debtor's consumer creditors who assert claims arising from or related to their attorney-  
2 client relationship with the Debtor.

3 5. In order to limit the cost to the estate, I believe it is necessary and consistent with due  
4 process that the Court not require the estate to incur the cost and expense of serving Bar Date Notice  
5 on creditors that have already filed Proofs of Claim as of the date of the entry of the Bar Date Order  
6 or on parties that receive NEF notice of filings in this Bankruptcy Case.

7 6. Additionally, I believe that it is appropriate to serve the Bar Date Notice on Consumer  
8 Claimants by causing MLG to effectuate electronic service of the Bar Date Notice on Consumer  
9 Claimants using the Debtor's proprietary client resource management database (the "LUNA  
10 System"). The use of the LUNA System will substantially reduce the cost to the estate in effectuating  
11 service on the Consumer Claimants through the use of email in lieu of mail notice. I understand that  
12 there are certain challenges with the accuracy of information in the LUNA System; however, I do not  
13 have reason to believe the mailing address information for Consumer Claimants is more accurate than  
14 the email information. Moreover, I understand that the LUNA System is the most comprehensive  
15 source of contact information for former clients of the Debtor that may hold claims against the estate.

16 7. In the interest of ensuring all potential holders of claims and interests receive adequate  
17 notice of the Bar Dates, in addition to providing the Bar Date Notice to all known holders of claims  
18 and interests by United States mail and the LUNA System, I believe that it is appropriate to provide  
19 notice of the Bar Dates by publication as set forth more fully in the Motion.

20 8. I believe that the procedures described in the Motion will provide holders of claims  
21 with both ample notice and opportunity to file proofs of claim and a clear process for filing such  
22 claims, all while achieving administrative and judicial efficiency. Indeed, the proposed procedures  
23 are calibrated to provide comprehensive notice and clear instructions to holders of claims—  
24 particularly Consumer Claimants that may be unfamiliar with the bankruptcy process—and allow the  
25 Bankruptcy Case to move forward quickly with a minimum of administrative expense and delay.

26 9. Among other things, the proposed procedures contemplate providing clear filing  
27 instructions that are calculated to avoid confusion or uncertainty among holders of claims that might  
28 lead them to file unnecessary protective proofs of claim or multiple proofs of claim that would cause

1 expense and delay in the claims process for all parties. Additionally, the proposed use of the  
2 personalized Consumer Claim Form for all known holders of claims is designed both to streamline  
3 the claims process for the estate and provide useful information to holders of claims as to whether  
4 and how their claims are reflected in the Schedules and Statements. The proposed procedures are  
5 designed to comply with the Bankruptcy Code.

6 10. I believe that the procedures and notice periods described in the Motion afford holders  
7 of claims ample opportunity to review the Schedules and Statements and the Bar Date Notice, and to  
8 file proofs of claim while, at the same time, ensuring that the Movants can move toward confirmation  
9 as expeditiously as possible. Accordingly, for all the foregoing reasons, I respectfully submit that the  
10 proposed Bar Dates and the form and manner of providing notice are appropriate in light of the  
11 circumstances, inure to the benefit of all parties-in-interest, and should be approved.

12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.

14 Executed December 29, 2023. *in U.S.*  
15 *Dec 30, 2023 in NZ*



16 \_\_\_\_\_  
17 Richard A. Marshack  
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**Exhibit 1**

**EXHIBIT 1**

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*Counsel For Official Committee of Unsecured  
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*General Counsel For Chapter 11 Trustee*

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re:

Chapter 11

THE LITIGATION PRACTICE GROUP,  
P.C.,

Case No. 8:23-bk-10571-SC

Debtor.

**[PROPOSED] ORDER GRANTING  
JOINT MOTION OF THE TRUSTEE  
AND COMMITTEE FOR ENTRY OF AN  
ORDER: (I) ESTABLISHING BAR  
DATES FOR FILING PROOFS OF  
CLAIM; (II) APPROVING THE FORM  
AND MANNER FOR FILING PROOFS  
OF CLAIM; AND (III) APPROVING THE  
FORM AND MANNER OF NOTICE OF  
THE BAR DATE**

*[No Hearing Held or Additional Notice  
Required Pursuant to LBR 3003-1(a)(1) and  
9013-1(q)(9)]*

The Court, having considered the *Joint Motion of the Trustee and Committee for Entry of an Order: (I) Establishing Bar Dates for Filing Proofs of Claim; (II) Approving the Form and Manner for Filing Proofs of Claim; and (III) Approving the Form and Manner of Notice of the Bar Date* (the "Motion")<sup>1</sup> filed by the Official Committee of Unsecured Creditors (the "Committee") of The Litigation Practice Group P.C. (the "Debtor") and Richard A. Marshack, in his capacity as the chapter

<sup>1</sup> Unless otherwise defined herein, all capitalized terms have the definitions set forth in the Motion.

11 trustee of the Debtor (the “Trustee” and, together with the Committee, the “Movants”), and finding that service and notice of the Motion was proper and reasonable under the circumstances and complies with Rules 3003-1(a)(1) and 9013-1(q) of the Local Bankruptcy Rules of this Court, and finding that no other service or notice is necessary, and having considered the record before the Court on the Motion, and good cause appearing therefor,

**IT IS HEREBY ORDERED** as follows:

1. The Motion is GRANTED in its entirety.
2. The Bar Dates are established as follows:

<b>General Bar Date</b>	<b>February 23, 2024, at 4:00 p.m. prevailing Pacific Time</b> (the “ <u>General Bar Date</u> ”) is the deadline for all persons and entities, <b>including governmental units</b> (as that term is defined in § 101(27)), holding secured, unsecured priority, or unsecured non-priority claims against the Debtor arising (or deemed to arise) before the Petition Date (each, a “ <u>General Claim</u> ”).
<b>Rejection Bar Date</b>	For claims relating to the rejection of an executory contract or unexpired lease (a “ <u>Rejection Claim</u> ”), the later of (i) the General Bar Date; and (ii)(a) the date set forth in an order authorizing the Debtor to reject such contract or lease pursuant to § 365 (including any order confirming a plan in the Bankruptcy Case), or (b) if no specific date is set forth, thirty (30) days from the date the rejection order (the “ <u>Rejection Bar Date</u> ”).
<b>Chapter 5 Bar Date</b>	For claims arising from the avoidance of a transfer under chapter 5 of the Bankruptcy Code (a “ <u>Chapter 5 Claim</u> ”), the later of (i) the General Bar Date; and (ii) thirty (30) days after the date of entry of the judgment avoiding the transfer (the “ <u>Chapter 5 Bar Date</u> ”).

3. The Movants are authorized, in their sole discretion, to extend the applicable Bar Date for certain holders of Claims by stipulation or otherwise.

4. The General Bar Date shall apply to all persons as defined in § 101(41) (a “Person”) and entities, as defined in § 101(15) (an “Entity”), including governmental units (as defined in § 101(27)), holding claims against the Debtor, including the following:

- a. any Person or Entity whose claim against the Debtor is not listed in the Debtor’s Schedules, or is listed as “contingent,” “unliquidated,” or “disputed,” if such Person or Entity desires to share in any distribution in the Bankruptcy Case;
- b. any Person or Entity who believes that their claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have their claim allowed in a different classification or amount other than that identified in the Schedules;

- c. any Person or Entity holding an interest in the Debtor (an “Interest Holder”), which interest is based upon the ownership of: (i) a membership interest in a limited liability company; (ii) common or preferred stock in a corporation; or (iii) warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to herein as an “Interest”);
- d. any Person or Entity holding a claim that arises out of or relates to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance, or distribution of the Interest; and
- e. any current or former officer, director, or manager of the Debtor for any claims including claims based on indemnification, contribution, or reimbursement.

5. The following Persons or Entities whose claims otherwise would be subject to the General Bar Date need not file a Proof of Claim, at this time:

- a. any Person or Entity that already has filed a signed proof of claim against the Debtor with the Clerk of the Court or with the Debtor’s claims and noticing agent, Omni, in a form substantially similar to Official Form 410;
- b. any Person or Entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such Person or Entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- c. any Person or Entity whose claim has previously been allowed by order of the Court;
- d. any Person or Entity whose claim has been paid in full by the Debtor pursuant to the Bankruptcy Code or in accordance with an order of the Court or otherwise paid in full by the Debtor or any other party;
- e. any Person or Entity holding a claim for which a separate deadline is fixed by this Court;
- f. claims of professionals retained by the Debtor pursuant to orders of the Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to §§ 328, 330, 331, 363, and 503(b) or 28 U.S.C. § 156(c) (collectively, the “Professional Claims”); and
- g. any Person or Entity holding a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930, including, for the avoidance of doubt, any administrative claims asserted by the U.S. Trustee for statutory fees required to be paid by the Debtor’s estate.

6. All holders of General Claims that are not Consumer Claimants (defined below), holders of Rejection Claims, and holders of Chapter 5 Claims must utilize Official Form 410 for the submission of Proofs of Claim (the “General Claim Form”). The Debtor’s consumer creditors (the “Consumer Claimants”) who assert claims arising from or related to their attorney-client relationship with the Debtor (the “Consumer Claims”), may utilize the Consumer Claim Form attached to the

1 Motion as **Exhibit 2** for the submission of Proofs of Claim, which form is approved by this Order.  
2 Consumer Claimants may choose to submit Proofs of Claim utilizing the General Claim Form. If a  
3 Consumer Claimant has already filed a claim using the General Claim Form, they may but are not  
4 required to file an amended claim using the Consumer Claim Form.

5 7. With respect to completing and filing a Claim Form, the Person or Entity must comply  
6 with the following requirements:

- 7 a. each claim must (i) be written in English; (ii) include a claim amount  
8 denominated in United States dollars; (iii) conform substantially with the  
9 General Claim Form or Consumer Claim Form, as applicable; and (iv) be  
10 signed by the holder of the claim or by an authorized agent or legal  
11 representative of the holder of the claim;  
12 b. each General Claim Form and Consumer Claim Form must include supporting  
13 documentation in accordance with Rules 3001(c) and 3001(d) of the Federal  
14 Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"). If, however, such  
15 documentation is voluminous, such General Claim Form or Consumer Claim  
16 Form, as applicable, may include a summary of such documentation or an  
17 explanation as to why such documentation is not available; provided, that,  
18 upon the request for additional documentation, such claimant that received  
19 such request shall be required to transmit such written documentation no later  
20 than five (5) business days following the date of such request;  
21 c. each General Claim Form or Consumer Claim Form, including supporting  
22 documentation, must be submitted in person, by courier service, overnight  
23 delivery, hand delivery, or United States mail ***so as to be actually received*** by  
24 Omni on or before the applicable Bar Date at the following address:

The Litigation Practice Group P.C. Claims Processing  
c/o Omni Agent Solutions  
5955 De Soto Ave., Suite 100  
Woodland Hills, CA 91367

20 Additionally, Claim Forms may be submitted electronically using the interface  
21 available on the website maintained by Omni in this Bankruptcy Case  
22 <https://omniagentsolutions.com/LPG-claims>, ***so as to be actually received*** by  
23 Omni on or before the applicable Bar Date; and

- 24 d. except as expressly permitted above in the context of electronic submissions at  
25 Omni's website, any Claim Forms otherwise sent by facsimile, telecopy,  
26 electronic mail, or other form of electronic submissions will not be accepted.

25 8. Any Person or Entity who is required but fails to properly file a General Claim Form  
26 or Consumer Claim Form by the applicable Bar Date shall be forever barred, estopped, and enjoined  
27 from asserting such claim against the Debtor's estate (or filing a claim with respect to any such  
28 General Claim, Rejection Claim, or Chapter 5 Claim), and the Debtor's estate and its property shall

1 be forever discharged from any and all indebtedness or liability with respect to or arising from such  
2 claim. Additionally, any Person or Entity that is required but fails to properly file a Claim Form by  
3 the applicable Bar Date shall be prohibited from voting to accept or reject any chapter 11 plan filed  
4 in this Bankruptcy Case and participating in any distribution in this Bankruptcy Case on account of  
5 such claim.

6 9. The Bar Date Notice attached to the Motion as **Exhibit 3** is approved.

7 10. No later than January 23, 2024, the Trustee shall provide Omni information sufficient  
8 to serve the Bar Date Notice by first-class United States mail, postage prepaid, on:

- 9 a. the Court;
- 10 b. all persons or entities that have requested notice of the proceedings in this  
11 Bankruptcy Case, pursuant to Bankruptcy Rule 2002, as of the date of the Bar  
12 Date Order;
- 13 c. all creditors and other known holders of claims against the Debtor known to  
14 the Movants as of the date of the Bar Date Order, including all persons or  
15 entities listed in the Schedules and Statements as holding claims against the  
16 Debtor, including claims that the Debtor lists as contingent, unliquidated, or  
17 disputed;
- 18 d. all non-debtor parties to executory contracts and unexpired leases listed on the  
19 Schedules and Statements, or otherwise known to the Trustee, or his designated  
20 representatives;
- 21 e. all known parties to litigation with the Trustee, if any, including any workers  
22 compensation, general liability, or other insurance claimants, whether or not  
23 any litigation has been commenced, and their counsel, if known to the Trustee;
- 24 f. the Internal Revenue Service;
- 25 g. the Office of the Attorney General in all of the states and all taxing authorities  
26 in all of the jurisdictions in which the Debtor operated and/or filed tax returns,  
27 and all applicable local governmental authorities;
- 28 h. all employees, directors, and officers of the Debtor known to the Trustee at the  
time of his appointment;
- i. all known former employees employed by the Debtor on or after September  
20, 2022 (i.e., six (6) months before the Petition Date); and
- j. all other entities listed on the Debtor's creditor matrix.

11. Notwithstanding the foregoing, the Trustee is not required to serve the Bar Date Notice  
on creditors that have already filed Proofs of Claim as of the date of the entry of the Bar Date Order  
or on parties that receive NEF notice of filings in this Bankruptcy Case.

12. The Bar Date Notice, in substantially similar substance as attached to the Motion as **Exhibit 2** and as modified for publication (the “Publication Notice”) is approved. No later than January 23, 2024, Omni shall publish the Publication Notice on one occasion in the *Wall Street Journal*, *New York Times*, *USA Today*, or other similar national publication.

13. The Movants are authorized and empowered to take all actions necessary to implement the relief granted in this Bar Date Order.

14. Nothing contained in the Motion or this Bar Date Order shall be construed as a waiver of the Movants’ or any parties in interests’ right to dispute, object to, challenge, or assert offsets or defenses against any claim on any grounds.

15. The terms and conditions of this Bar Date Order shall be immediately effective and enforceable upon entry of this Order.

16. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation, implementation, and enforcement of this Order.

###

**Exhibit 2**



**EXHIBIT 2**

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lmasud@marshackhays.com

*Counsel For Official Committee of Unsecured  
Creditors*

*Counsel For Chapter 11 Trustee*

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re:

Chapter 11

THE LITIGATION PRACTICE GROUP,  
P.C.,

Case No. 8:23-bk-10571-SC

Debtor.

**NOTICE OF BAR DATE FOR FILING  
PROOFS OF CLAIM**

**General Bar Date**

Date: February 23, 2024  
Time: 4:00 p.m. (prevailing Pacific Time)

**TO ALL CREDITORS AND INTEREST HOLDERS OF THE LITIGATION  
PRACTICE GROUP P.C.:**

**PLEASE TAKE NOTICE** that, on \_\_\_\_\_, the United States Bankruptcy Court for the Central District of California entered an order [Docket No. \_\_\_\_]<sup>1</sup> setting the following deadlines to file proofs of claim against the bankruptcy estate of The Litigation Practice Group P.C. (the "Debtor"):

**General Bar Date**

**February 23, 2024, at 4:00 p.m. prevailing Pacific Time** (the "General Bar Date") is the deadline for all persons and entities, ***including governmental units*** (as that term is defined in § 101(27)), holding a secured claim, unsecured priority, or unsecured non-priority claim against the Debtor arising (or deemed to arise) before the Petition Date (each, a "General Claim").<sup>2</sup>

<sup>1</sup> Unless otherwise defined, all capitalized terms have the definitions set forth or referenced in the Order.

<sup>2</sup> Parties subject to the General Bar Date include, but are not limited to: (a) any Person or Entity whose claim against the Debtor is not listed in the Debtor's Schedules, or is listed as "contingent,"

<b>Rejection Bar Date</b>	For claims relating to the rejection of an executory contract or unexpired lease (a " <u>Rejection Claim</u> "), the later of (i) the General Bar Date; and (ii)(a) the date set forth in an order authorizing the Debtor to reject such contract or lease pursuant to § 365 (including any order confirming a plan in the Bankruptcy Case), or (b) if no specific date is set forth, thirty (30) days from the date the rejection order (the " <u>Rejection Bar Date</u> ").
<b>Chapter 5 Bar Date</b>	For claims arising from the avoidance of a transfer under chapter 5 of the Bankruptcy Code (a " <u>Chapter 5 Claim</u> "), the later of (i) the General Bar Date; and (ii) thirty (30) days after the date of entry of the judgment avoiding the transfer (the " <u>Chapter 5 Bar Date</u> ").

**PLEASE TAKE FURTHER NOTICE** that the Court has approved two different types of claim forms. *First*, all holders of General Claims that are not Consumer Claimants (defined below), holders of Rejection Claims, and holders of Chapter 5 Claims must utilize Official Form 410 for the submission of Proofs of Claim (the "General Claim Form"). *Second*, in light of the unique issues facing the Debtor's consumer creditors (the "Consumer Claimants") who assert claims arising from or related to their attorney-client relationship with the Debtor (the "Consumer Claims"), the Court has authorized a unique claim form (the "Consumer Claim Form") with additional information that may be helpful to Consumer Claimants in completing their proof of claim. Consumer Claimants, however, can use either the Consumer Claim Form or the General Claim Form. Consumer Claimants may, but are not required, to file a proof of claim using the Consumer Claim Form if they have already timely filed a proof of claim using the General Claim Form.

**PLEASE TAKE FURTHER NOTICE** that you can obtain a copy of the General Claim Form and the Consumer Claim Form by visiting <https://omniagentsolutions.com/LPG-claims>. Consumer Claimants should also receive a copy of the Consumer Claim Form by email. Holders of General Claims that are not Consumer Claims can also find a copy of the General Claim Form on the Bankruptcy Court's web site at <http://www.cacb.uscourts.gov>. If you have any questions about how to obtain a Claim Form, please contact (888) 741-4582 (U.S. and Canada toll free) and (747) 226-5672; however, **you must seek your own legal counsel if you would like advice on whether or how to complete the Claim Form.**

**PLEASE TAKE FURTHER NOTICE** that you **are not** required to submit a Claim Form by the applicable Bar Date if you fall within the below categories:

- a. any Person or Entity that already has filed a signed proof of claim against the Debtor with the Clerk of the Court or with the Debtor's claims and noticing agent, Omni, in a form substantially similar to Official Form 410;

"unliquidated," or "disputed," if such Person or Entity desires to share in any distribution in the Bankruptcy Case; (b) any Person or Entity who believes that their claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have their claim allowed in a different classification or amount other than that identified in the Schedules; (c) any Person or Entity holding an interest in the Debtor (an "Interest Holder"), which interest is based upon the ownership of: (i) a membership interest in a limited liability company; (ii) common or preferred stock in a corporation; or (iii) warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to herein as an "Interest"); (d) any Person or Entity holding a claim that arises out of or relates to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance or distribution of the Interest; and (e) any current or former officer, director, or manager of the Debtor for claims based on indemnification, contribution, or reimbursement.

- b. any Person or Entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such Person or Entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- c. any Person or Entity whose claim has previously been allowed by order of the Court;
- d. any Person or Entity whose claim has been paid in full by the Debtor pursuant to the Bankruptcy Code or in accordance with an order of the Court or otherwise paid in full by the Debtor or any other party;
- e. any Person or Entity holding a claim for which a separate deadline is fixed by this Court;
- f. claims of professionals retained by the Debtor pursuant to orders of the Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to §§ 328, 330, 331, 363, and 503(b) or 28 U.S.C. § 156(c) (collectively, the “Professional Claims”); and
- g. any Person or Entity holding a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930, including, for the avoidance of doubt, any administrative claims asserted by the U.S. Trustee for statutory fees required to be paid by the Debtor’s estate.

**PLEASE TAKE FURTHER NOTICE THAT FAILURE OF A CREDITOR OR INTEREST HOLDER TO FILE A PROOF OF CLAIM ON OR BEFORE THE DEADLINE MAY RESULT IN DISALLOWANCE OF THE CLAIM OR INTEREST, OR SUBORDINATION UNDER THE TERMS OF A PLAN OF LIQUIDATION, WITHOUT FURTHER NOTICE OR HEARING. 11 U.S.C. § 502(b)(9). CREDITORS MAY WISH TO CONSULT AN ATTORNEY TO PROTECT THEIR RIGHTS.**

DATED this \_\_\_\_ day of January 2024.

**FOX ROTHSCHILD LLP**

**MARSHACK HAYS WOOD LLP**

By: \_\_\_\_\_  
Keith C. Owens (Bar No. 184841)  
Nicholas A. Koffroth (Bar No. 287854)  
Constellation Place  
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Los Angeles, California 90067  
*Counsel for the Committee*

By: \_\_\_\_\_  
D. Edward Hays (Bar No. 162507)  
Laila Masud (Bar No. 311731)  
870 Roosevelt  
Irvine, California 92620  
*General Counsel for Chapter 11 Trustee*

**Exhibit 3**

**EXHIBIT 3**

**INSTRUCTIONS FOR PRIOR CLIENTS OF THE LITIGATION PRACTICE  
GROUP, P.C.**

If you contend that you are a prior client of The Litigation Practice Group, P.C. (“LPG”) you may or may not have a claim against LPG’s bankruptcy estate.<sup>1</sup> If you believe you have a claim that arose prior to LPG’s bankruptcy that was filed on March 20, 2023,<sup>2</sup> then you must do the following to assert your potential claim to a distribution in this case:

1. Fill out the included **Consumer Client Claim Form** as fully and completely as possible.
  - a. Please fill out the **Consumer Client Claim Form** and **Information Sheet**. Doing so and providing the additional information will assist the Trustee in determining whether you have an allowed claim that may be entitled to distribution. **If you have previously filed a Proof of Claim, you may but do NOT need to complete and file an amended claim using the Consumer Client Claim Form and Information Sheet.** Doing so, however, may help the Trustee more efficiently analyze your claim. If you previously filed a Proof of Claim and wish to complete the Consumer Client Claim Form and Information Sheet, be sure to check Box 4(b), so that it is clear that this claim amends the previous claim.
  - b. You must provide documentation to support your claim. Any documentation in support of your claim will be filed publicly with the Bankruptcy Court. Accordingly, if you include documentation such as bank account statements or credit card statements, redact the account numbers for your privacy and security. This means you should black out all but the last four digits of the account number everywhere that it appears in your documentation.

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<sup>1</sup> If you believe that you are a holder of a claim that arose prior to March 20, 2023, and are not asserting that you are a former client of LPG, then you must file Form B410, found on the website for the United States Bankruptcy Court for the Central District of California at <https://www.cacb.uscourts.gov/sites/cacb/files/documents/forms/410.pdf>. Neither the Chapter Trustee (“Trustee”), the Official Committee of Unsecured Creditors (“Committee”) nor their respective attorneys may offer you legal advice. Please do not contact the Trustee or Committee, or their respective attorneys for assistance in completing these forms, as they are not legally allowed to make that determination for you. Seek legal advice from another attorney if you require it.

<sup>2</sup> **DO NOT FILE A PROOF OF CLAIM IF YOUR CLAIM AROSE AFTER MARCH 20, 2023, BUT BEFORE AUGUST 4, 2023.** If you believe you have a claim that arose after March 20, 2023, but before August 4, 2023, then there was a separate deadline - November 21, 2023 - that the Court had set by which you must have filed a motion seeking allowance of such claim. You should have already been served with this notice. If not, you can obtain a copy from the Court or emailing [marshacktrustee@marshackhays.com](mailto:marshacktrustee@marshackhays.com) with the phrase “Request for Administrative Claims Bar Date Notice” in the subject line.

- c. If any of your documentation includes your Social Security Number, please redact. Leaving the last four digits visible is acceptable, but your full SSN should never be shared.
2. Fill out the included **Informational Sheet** as fully and completely as possible.
  - a. Again, redact your financial information and Social Security Number, as outlined in the previous section.
3. Please only send copies of any record you submit with the Consumer Client Claim Form, and not original documents. Retain a copy of the forms for your records.
4. **IF YOU HAVE NOT ALREADY SUBMITTED A PROOF OF CLAIM IN THIS CASE, YOU MUST COMPLETE AND SUBMIT THE ATTACHED FORM EITHER ELECTRONICALLY OR BY MAIL ON OR BEFORE FEBRUARY 23, 2024**
  - a. You can complete and submit this form electronically on the case website maintained by Omni Agent Solutions at <https://omniagentsolutions.com/LPG-claims>
  - b. Alternatively, you can mail the completed forms to Omni Agent Solutions as follows:

The Litigation Practice Group P.C. Claims Processing  
c/o Omni Agent Solutions  
5955 De Soto Ave., Suite 100  
Woodland Hills, CA 91367

**NOTE:** We have tried to make these instructions as clear as possible, and this form as simple as possible, to streamline the claims process. LPG is not a typical bankruptcy case, and we are trying to adapt to make the process work for everyone. But the law requires certain language and certain steps to be taken that are not the most clear and simple. The bankruptcy process does not allow for instant action in response to claims.

**CONSUMER CLIENT CLAIM FORM**

**In re The Litigation Practice Group P.C., Case No. 8:23-bk-10571-SC**  
**United States Bankruptcy Court for the Central District of California, Santa**  
**Ana Division**

1. Name of Creditor (Identify the person to whom The Litigation Practice Group P.C. owes money?):

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2. Has this claim been acquired from someone else? (Was someone else owed money and then you purchased this claim from them?)

☐ No.

☐ Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent? (What address should we use for notices and payments?)

NOTICES		PAYMENT (if different)	
Name:		Name:	
Street Address:		Street Address:	
City:		City:	
State:	Zip Code:	State:	Zip Code:
Phone Number:		Phone Number:	
Email:		Email:	

4. Have you already filed a proof of claim in this case with the US Bankruptcy Court?

a. ☐ No.

b. ☐ Yes. What was the claim number? \_\_\_\_\_. This claim will amend the prior proof of claim.

5. How much is the claim? (How much do you believe you are owed?)

**The claim amount SHOULD NOT include any amounts that you (a) paid to any credit card company or other creditors, or (b) otherwise owe to your credit card companies or other creditors. To the extent that you paid The Litigation Practice Group, P.C. money that was applied towards payment of any debt you owed to your credit card company or other creditors, you SHOULD NOT include any such amounts as part of your claim.**

Does this amount include interest or other charges?

☐ No.

☐ Yes. I have attached a statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

6. What is the basis for your claim? Attach (and redact where appropriate) copies of any documents supporting your claim.

### SIGNATURE

The person completing this claim form must sign and date it.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF PERSON COMPLETING THE FORM

DATE OF SIGNATURE

NAME OF PERSON COMPLETING THE FORM

### DISCLAIMER

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to five (5) years, or both, pursuant to 18 USC §§ 152, 157, and 3571.



## **INFORMATIONAL SHEET**

**REMINDER:** If you include documentation such as bank account statements or credit card statements, redact the account numbers for your privacy and security. This means you should black out all but the last four (4) digits of the account number everywhere it appears in your documentation. We can use the last 4 digits to keep track of your information in our records, but more than that should not be necessary. If any of your documentation includes your Social Security Number, please redact this as well. Leaving the last four (4) digits visible is acceptable, but your full SSN should never be shared.

1. What are you asserting is your claim amount, if any?

\_\_\_\_\_

2. What is your name, address, and telephone number?

Name:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Telephone Number:

\_\_\_\_\_

3. What payments have you made to The Litigation Practice Group? Provide proof of payments made. Redact the documents as appropriate.

\_\_\_\_\_  
\_\_\_\_\_

4. Did you request a refund prior to LPG filing bankruptcy (03/20/23)?

☐ No.

☐ Yes. If yes, provide proof of the written request you made and the date of the request.

5. Were you charged more than once in any given month?

☐ No.

☐ Yes. If yes, provide proof of the charges.

6. Do you contend that LPG withdrew funds from your account between XX/XX/XX and XX/XX/XX?

☐ No.

☐ Yes. If yes, how much? \_\_\_\_\_

If yes, provide proof of the withdrawal(s).

7. Are you a part of any pending (active) lawsuit where you have sued LPG for malpractice?

☐ No.

☐ Yes. If yes, provide the case name, case number, and a copy of the complaint.

\_\_\_\_\_

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
997 Lenox Drive, Lawrenceville, NJ 08648

A true and correct copy of the foregoing document entitled (*specify*): Joint Motion of the Trustee and Committee for Entry of an Order (I) Establishing Bar Dates for Filing Proofs of Claim; (II) Approving the Form and Manner for Filing Proofs of Claim; and (III) Approving the Form and Manner of Notice of the Bar Date; Declaration of Richard A. Marshack in Support Thereof

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) December 29, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See attached list

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

N/A

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 29, 2023 Robin I. Solomon

*Date*

*Printed Name*

/s/ Robin I. Solomon

*Signature*

---

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Keith Barnett on behalf of Defendant Payliance, LLC  
keith.barnett@troutman.com, kelley.wade@troutman.com

Bradford Barnhardt on behalf of Interested Party Courtesy NEF  
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Eric Bensamochan on behalf of Creditor Affirma, LLC  
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Eric Bensamochan on behalf of Creditor Oxford Knox, LLC  
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Eric Bensamochan on behalf of Interested Party Courtesy NEF  
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Eric Bensamochan on behalf of Interested Party Eric Bensamochan  
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Christopher Celentino on behalf of Plaintiff Richard A. Marshack  
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Christopher Celentino on behalf of Trustee Richard A Marshack (TR)  
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Leslie A Cohen on behalf of Defendant Rosa Bianca Lori

---

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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William P Fennell on behalf of Creditor Validation Partners LLC

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Christopher Ghio on behalf of Trustee Richard A Marshack (TR)

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---

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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Amy Lynn Ginsburg on behalf of Creditor Shannon Bellfield  
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Richard H Golubow on behalf of Creditor Debt Validation Fund II, LLC

---

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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Laila Masud on behalf of Interested Party Richard A. Marshack  
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---

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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Paul R Shankman on behalf of Creditor United Partnerships, LLC

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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